

U.S. Department of the Interior
Bureau of Land Management
Little Snake Field Office
455 Emerson Street
Craig, CO 81625

DOCUMENTATION OF LAND USE PLAN CONFORMANCE AND NEPA ADEQUACY

NUMBER: DOI-BLM-CO-N010-2011-0002-DNA

CASEFILE/PROJECT NUMBER: COC074678

PROJECT NAME: Browns Park Communication Fiber Optic Line

LEGAL DESCRIPTION: Lot 31, Sec. 2; NESE, Sec. 3; NENW, NWNW, SWNW, SENW, NESW, NWSW, SESW, Sec. 11; SWNW, SENW, NWSE, SWSE, Sec. 13; NWNE, SWNE, SENE, Sec. 14; NENE, NWNE, Sec. 24, T9N, R102W, 6th PM, Moffat County, Colorado

APPLICANT: Union Telephone Company

A. Describe the Proposed Action

In April of 2003, Union Telephone Company (Union) was issued right-of-way grants (ROW) for a communication site (COC065426), power line (COC066523), and access road (COC066522) in the Browns Park area. An unauthorized fiber optic line was placed in the same trench as the power line during construction in 2003. In September of 2010, Union notified the BLM that a portion of the fiber optic line required replacement due to damage from gophers. Union then applied for a ROW to authorize the existing fiber optic line and to authorize replacement of the section of damaged fiber optic line servicing the Browns Park Communication Site.

Replacement construction of 4,600 feet of fiber optic line would consist of plowing a 2-3 inch wide trench, 30-36 inches deep, parallel to the existing buried power line. The trench would be constructed within 2-3 feet of the existing power line. Damaged sections of fiber optic line would be replaced with new line encased in 1¼ inch conduit for protection from gophers. The existing access road to the communication site will be used for project construction, operation, and maintenance. Following construction and cleanup, disturbed areas will be monitored to determine if non-native species become established. Should the ROW require corrective reclamation activity, Union will meet with BLM to determine the appropriate action. The construction workforce is expected to number eight (8) crew members for two (2) days. The estimated length of the entire fiber optic route across BLM is 11,250 feet. The permanent ROW width would be 10 feet. Maintenance at the communication site and the associated power line, access road, and fiber optic line is required at a minimum of once per month.

B. Land Use Plan (LUP) Conformance

LUP Name: Little Snake Resource Management Plan and Record of Decision (ROD)

Date Approved: April 26, 1989

- Draft RMP/EIS February 1986
- Final RMP/EIS September 1986
- Colorado Oil and Gas Leasing and Development Final EIS January 1991

C. Identify applicable NEPA documents and other related documents that cover the proposed action.

CO-100-LS-01-063 EA, Union telecommunication facility with access road and power line, approved April 2003

CO-100-LS-01-063 EA amendment, approved October 2003

Colorado Public Land Health Standards, Decision Record & Finding of No Significant Impact and Environmental Assessment, March 1997.

D. NEPA Adequacy Criteria

1. Is the current proposed action substantially the same action (or is a part of that action) as previously analyzed? Is the current proposed action located at a site specifically analyzed in an existing document? Yes, the proposed fiber optic line would be buried within the right-of-way (ROW) corridor analyzed in CO-100-2003-063 EA and the amendment. The purpose of this action is still to provide reliable cellular coverage to the residents of Brown's Park.

2. Is the range of alternatives analyzed in the existing NEPA document(s) appropriate with respect to the current proposed action, given current environmental concerns, interests, and resource values? Yes, alternatives were addressed in CO-100-2003-093 EA and the amendment which adequately address current environmental concerns, interests, and resource values. The range of alternatives is appropriate given the limited scope of this proposal. No new road construction will occur. The buried fiber optic line would be located entirely within the authorized power line corridor adjacent to the communication site access road.

3. Is the existing analysis valid in light of any new information or circumstances? Yes, the analysis is still valid. The underground fiber optic cable would be located entirely within the authorized power line corridor. Water quality standards have been updated by the State of Colorado since the original environmental assessment in 2003. As of 2010 water quality for the mainstem of Vermillion Creek (from Highway 318 to the confluence with the Green River) must support Aquatic Life Warm 2, Recreation E, and Agricultural uses. This reach is on the Colorado Department of Public Health and Environment's Monitoring and Evaluation List for suspected *E. coli* and total recoverable iron issues (CDPHE 2010). The

project as proposed should have no impact to water quality.

Reference: Colorado Department of Public Health and Environment Water Quality Control Commission. 2010. Regulations #33, 37, and 93. <http://www.cdphe.state.co.us/regulations/wqccregs/index.html>

4. Do the methodology and analytical approach used in the existing NEPA document(s) continue to be appropriate for the current proposed action? Yes, the methodology and analytical approach is still valid. The buried fiber optic line would be located entirely within the authorized existing power line corridor adjacent to the communication site access road.

5. Are the direct and indirect impacts of the current proposed action substantially unchanged from those identified in the existing NEPA document(s)? Does the existing NEPA document analyze site-specific impacts related to the current proposed action? Yes, the direct and indirect impacts of this proposed action are substantially unchanged from those identified in CO-100-2003-063 EA and the amendment. The buried fiber optic cable installation would add no additional surface disturbance beyond the existing power line corridor. The existing access road would be utilized by the construction crew.

6. Are the cumulative impacts that would result from implementation of the current proposed action substantially unchanged from those analyzed in the existing NEPA document(s)? Yes, the cumulative impacts that would result from the installation of the fiber optic cable are substantially unchanged from those analyzed in CO-100-2003-063 EA and the amendment. The Brown's Park Communication Site is limited to one facility (building), but there is a possibility of accommodating additional communication site leases within the facility.

7. Are the public involvement and interagency review associated with existing NEPA document(s) adequate for the current proposed action? Yes, the public involvement and interagency review associated with CO-100-2003-063 EA and the amendment are adequate for this proposed action. This project, CO-100-2003-063 EA, and the amendment are posted on the NEPA log on the Little Snake Field Office website:
http://www.blm.gov/co/st/en/BLM_Information/nepa/lsofo.html

E. Interdisciplinary Analysis: Identify those team members conducting or participating in the preparation of this worksheet.

Name	Title	Resource Represented	Initials/Date
Emily Spencer	Ecologist	Air Quality, Floodplains, Prime/Unique Farmlands, Surface Water Quality	ELS 10/25/10
Ethan Morton	Archaeologist	Cultural Resources, Native American Concerns	EM 10/26/10
Barb Blackstun	Realty Specialist	Environmental Justice, Hazardous Materials	BSB 10/25/10
Christina Rhyne	Rangeland Management Specialist	Invasive Non-native Species	CR 10/25/10

Hunter Seim	Rangeland Management Specialist	Sensitive Plants, T&E Plant	JHS 10/29/10
Desa Ausmus	Wildlife Biologist	T&E Animal	DA 10/29/10
Marty O'Mara	Petroleum Geologist	Ground Water Quality	EMO 11/1/10
Emily Spencer	Ecologist	Wetlands/Riparian Zones	ELS 10/25/10
Shane Dittlinger	Outdoor Recreation Planner	WSA, W&S Rivers	KSD 10/25/10

STANDARDS:

Name	Title	Standard	Initials/Date
Desa Ausmus	Wildlife Biologist	Animal Communities	DA 10/29/10
Desa Ausmus	Wildlife Biologist	Special Status, T&E Animal	DA 10/29/10
Hunter Seim	Rangeland Management Specialist	Plant Communities	JHS 10/29/10
Hunter Seim	Rangeland Management Specialist	Special Status, T&E Plant	JHS 10/29/10
Emily Spencer	Ecologist	Riparian Systems	ELS 10/25/10
Emily Spencer	Ecologist	Water Quality	ELS 10/25/10
Emily Spencer	Ecologist	Upland Soils	ELS 10/25/10

Remarks:

CULTURAL

Affected Environment: Cultural resources, in this region of Colorado, range from late Paleo-Indian to Historic. For a general understanding of the cultural resources in this area of Colorado, see *An Overview of Prehistoric Cultural Resources, Little Snake Resource Area, Northwestern Colorado*, Bureau of Land Management Colorado, Cultural Resources Series, Number 20, *An Isolated Empire, A History of Northwestern Colorado*, Bureau of Land Management Colorado, Cultural Resource Series, Number 2 and *Colorado Prehistory: A Context for the Northern Colorado River Basin*, Colorado Council of Professional Archaeologists.

Environmental Consequences: The proposed project has undergone a Class III cultural resource survey:

Johnson, David E.

2002 Class III Cultural Resource Inventory for the Union Telephone Company Browns Park Cell Site, Access Road and Power line. 01-WAS-527; BLM 12.8.02. Western Archaeological Services, Rock Springs, Wyoming.

Johnson, David E. and Jana V. Pastor

2002 Results of Testing at Site 5MF5132. 02-WAS-253; BLM 12.11.02. Western Archaeological Services, Rock Springs, Wyoming.

Johnson, David E.

2002 Class III Cultural Resource Inventory for the Union Telephone Company Browns

Park Cell Site, access road reroute. WAS: 02-WAS-253A; BLM 12.2.03.
Western Archaeological Services, Rock Springs, Wyoming.

Keesling, Henry S.

2002 Memo for the Record: 22 May 2002. Union Cell Site in Browns Park: Portions of Sections 13, and 14 T9N, R102W, Jack Springs, 7.5 USGS Map. BLM 10.26.02. Bureau of Land Management, Little Snake Field Office, Craig, Colorado.

1988 A Cultural Resource Management Inventory for the Vermillion Ditch in Moffat County, Colorado. BLM #10-88. Bureau of Land Management, Little Snake Field Office, Craig, Colorado.

Nickens, Paul R., Singa L. Larralde and Gordon C. Tucker Jr.

1981 A Survey of Vandalism to Archaeological Resources in Southwestern Colorado. Bureau of Land Management Colorado, Cultural Resources Series Number 11. Copy on File at Bureau of Land Management, Little Snake Field Office, Craig Colorado.

These surveys identified one cultural resource, 5MF5132. The cultural resource has been tested and determined eligible for the National Register (Johnson and Pastor 2002). Mitigation discussed below will protect the eligible cultural resource that is present in the project area.

This undertaking is primarily focused on replacing a section of fiber optic line within Sections 2 and 3. The site will not be directly impacted by this activity. However, the access road to the communications will be used for project construction, operation, and maintenance. Maintenance of the communication site, associated power line, access road, and fiber optic line is required at a minimum of once per month.

These actions may contribute to long-term cumulative impacts to 5MF5132. The proposed mitigation measures, below, will mitigate the impacts and protect the eligible cultural resource from further impacts.

The proposed project may proceed as described in this DNA with the following mitigative measures in place.

Mitigative Measures:

1. The two locked gates on the access road to the communication facility on the mesa top will remain locked at all times. Entry to the access road is restricted to Union Telephone Company and authorized subcontractors.
2. All traffic to and from the communication facility will be confined to the roadway and parking at the facility. No materials for project construction will be allowed to be stored anywhere besides directly on the access road or at the parking facility. No use is authorized off of the established road and parking area.

3. The holder of the Right of Way (Union Telephone Company) will be responsible for any impacts to 5MF5132 that result from access off of the road to the facility. This responsibility will cover the cultural resource area that the road and facility are on as well as the cultural resource area, 5MF5132 that extends 2 mile to the west along the ridge top as defined in the Colorado Site Forms for 5MF5132.
4. The Little Snake Field Office Archaeologist will conduct a site visit after project completion. A monitoring report will be completed by the Little Snake Field Office Archaeologist.

The following standard stipulations apply for this project:

1. Any cultural and/or paleontological (fossil) resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and the authorized officer will make any decision as to proper mitigation measures after consulting with the holder.
2. The operator is responsible for informing all persons who are associated with the operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any project activities, the operator is to immediately stop activities in the immediate vicinity of the find and immediately contact the authorized officer (AO) at (970) 826-5000. Within five working days, the AO will inform the operator as to:
 - Whether the materials appear eligible for the National Register of Historic Places;
 - The mitigation measures the operator will likely have to undertake before the identified area can be used for project activities again; and
 - Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. 60, No. 232) the holder of this authorization must notify the AO, by telephone at (970) 826-5000, and with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.
3. If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may

be required. Otherwise, the operator will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.

Name of specialist and date: Ethan Morton 10/26/2010

NATIVE AMERICAN RELIGIOUS CONCERNS

A letter was sent to the Uinta and Ouray Tribal Council, and the Colorado Commission of Indian Affairs on January 24, 2003 for the original undertaking. The letter described the proposed project. No comments were received. (Letter on file at the Little Snake Field Office, Craig, Colorado.)

Name of specialist and date: Ethan Morton 10/26/2010

Conclusion

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of NEPA.

Signature of Lead Specialist_____ Date_____

Signature of NEPA Coordinator_____ Date_____

Signature of the Authorizing Official_____ Date_____

Note: The signed Conclusion on this document is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision.

Exhibit A
Stipulations
Browns Park Fiber Optic Cable

1. The holder shall construct, operate, and maintain the facilities, improvements, and structures within this right-of-way in strict conformity with the plan(s) of development which was (were) filed with the application and the plan of development which was approved and made part of grant COC066523 for a power line to the Browns Park Communication Site. Any relocation, additional construction, or use that is not in accord with the approved plan(s) of development, shall not be initiated without the prior written approval of the authorized officer. A copy of the complete right-of-way grant, including all stipulations and approved plan(s) of development, shall be made available on the right-of-way area during construction, operation, and termination. Noncompliance with the above will be grounds for an immediate temporary suspension of activities if it constitutes a threat to public health and safety or the environment.
2. The Little Snake Field Office will be given 48-hour notification prior to commencing construction and/or reclamation work. Contact the Little Snake Field Office (970) 826-5000 to report when work will commence.
3. Any cultural and/or paleontological (fossil) resource (historic or prehistoric site or object) discovered by the holder, or any person working on his behalf, on public or Federal land shall be immediately reported to the authorized officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the authorized officer. An evaluation of the discovery will be made by the authorized officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The holder will be responsible for the cost of evaluation and the authorized officer will make any decision as to proper mitigation measures after consulting with the holder.
4. The operator is responsible for informing all persons who are associated with the operations that they will be subject to prosecution for knowingly disturbing historic or archaeological sites, or for collecting artifacts. If historic or archaeological materials are encountered or uncovered during any project activities, the operator is to immediately stop activities in the immediate vicinity of the find and immediately contact the authorized officer (AO) at (970) 826-5000. Within five working days, the AO will inform the operator as to:
 - Whether the materials appear eligible for the National Register of Historic Places;
 - The mitigation measures the operator will likely have to undertake before the identified area can be used for project activities again; and
 - Pursuant to 43 CFR 10.4(g) (Federal Register Notice, Monday, December 4, 1995, Vol. 60, No. 232) the holder of this authorization must notify the AO, by telephone at (970) 826-5000, and with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony. Further, pursuant to 43 CFR 10.4(c) and (d), you must stop activities in the vicinity of the discovery and protect it for 30 days or until notified to proceed by the authorized officer.

5. If the operator wishes, at any time, to relocate activities to avoid the expense of mitigation and/or the delays associated with this process, the AO will assume responsibility for whatever recordation and stabilization of the exposed materials may be required. Otherwise, the operator will be responsible for mitigation costs. The AO will provide technical and procedural guidelines for the conduct of mitigation. Upon verification from the AO that the required mitigation has been completed, the operator will then be allowed to resume construction.
6. The two locked gates on the access road to the communication facility on the mesa top will remain locked at all times. Entry to the access road is restricted to the holder and authorized subcontractors.
7. All traffic to and from the communication facility will be confined to the roadway and parking at the facility. No materials for project construction will be allowed to be stored anywhere besides directly on the access road or at the parking facility. No use is authorized off of the established road and parking area.
8. The holder will be responsible for any impacts to 5MF5132 that result from access off of the road to the facility. This responsibility will cover the cultural resource area that the road and facility are on as well as the cultural resource area, 5MF5132 that extends 2 mile to the west along the ridge top as defined in the Colorado Site Forms for 5MF5132.
9. The Little Snake Field Office Archaeologist will conduct a site visit after project completion. A monitoring report will be completed by the Little Snake Field Office Archaeologist.
10. Subleasing of space/equipment on the fiber optic cable to additional telecommunication providers is allowed without further approval from the BLM. These additional telecommunication providers will not be required to obtain a separate grant. No additional rent will be assessed to the holder for the additional sublease owner(s) or telecommunication provider(s) within the project. The holder is liable and responsible for compliance with all terms/conditions of the grant, including compliance with the terms/conditions by any additional user.
11. The holder shall notify BLM of any change in the ownership status of the fiber optic project or the subleasing to additional telecommunication providers.
12. The holder must amend the grant at any time additional land, equipment, and/or new uses are proposed which are beyond the scope of the existing authorization.
13. The grant does not relieve you of your responsibility to obtain other required federal, state, or local permits.
14. The holder(s) shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, the holder(s) shall comply with the Toxic

Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities authorized under this right-of-way grant. (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.) Additionally, any release of toxic substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 shall be reported as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release or spill of any toxic substances shall be furnished to the authorized officer concurrent with the filing of the reports to the involved Federal agency or State government.

15. The holder of Right-of-Way No. COC074678 agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C 9601, et.seq. or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901, et. seq.) on the right-of-way (unless the release or threatened release is wholly unrelated to the right-of-way holder's activity on the right-of-way). This agreement applies without regard to whether a release is caused by the holder, its agent, or unrelated third parties.

16. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. 'Waste' means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.

17. No hazardous materials/waste or trash shall be disposed of on the public lands. If a release does occur, it shall be reported to the Little Snake Field Office immediately (970) 826-5000. Any spills will be cleaned up to applicable standards.

18. All maintenance activities will be contained within the 10-foot easement, vehicular access for reclamation, maintenance and emergencies is authorized, but the easement will not be used as a road after construction is completed.

19. Control of noxious weeds will be required through successful vegetation establishment and/or herbicide application. It is the responsibility of the lease operator to insure compliance with all local, state, and federal laws and regulations, as well as labeling directions specific to the use of any given herbicide.

20. A Pesticide Use Proposal (PUP) will be approved prior to application of herbicides and/or other pesticides on Federal surface; contact the Little Snake Field Office to obtain a PUP form to request this authorization. Submit the PUP two (2) months in advance of planned application. In the event you elect to apply herbicide or other pesticide as described and authorized on the approved PUP, you must report this use within 24 hours on Bureau of Land Management form titled Pesticide Application Record.

21. The holder shall seed all disturbed areas with Indian ricegrass, thickspike wheatgrass, and Sandberg bluegrass, using an agreed upon method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained after the second growing season.

22. The holder is required to use the reclamation practices necessary to reclaim all disturbed areas. Reclamation will ensure surface and subsurface stability, growth of self-generating, permanent, vegetative cover and compatibility with post land use. The vegetation will be diverse and of the same seasonal growth as adjoining vegetation. Post land use will be determined by the authorized officer but normally will be the same as adjoining uses.

Reclamation practices which must be applied or accomplished are: re-grading to the approximate original contour, effectively controlling noxious weeds, separating, storing and protecting topsoil for redistribution during final abandonment, seeding and controlling erosion. If topsoil is not present, or quantities are insufficient to achieve reclamation goals, a suitable plant growth media will be separated, stored and protected for later use. Reclamation will begin with the salvaging of topsoil and continue until the required standards are met. If use of the disturbed area is for a short time (less than one year), practices, which ensure stability, will be used as necessary during the project, and practices needed to achieve final abandonment will commence immediately upon completion of the approved activity use and be completed, with the exception of vegetative establishment, within one year.

If use of the area is for longer periods of time (greater than one year), interim reclamation is required on the unused areas. Interim reclamation of the unused areas will begin immediately upon completion of the permanent facility(s) and be completed, with exception of vegetative establishment, within one year. For both short and long term projects vegetative establishment will be monitored annually. If the desired vegetation is not established by the end of the second growing season, cultural practices necessary for establishment will be implemented prior to the beginning of the next growing season. Interim reclamation, unless otherwise approved, will require meeting the same standards as final abandonment with the exception of original contour, which may be only partially achievable.

Annual reports consisting of reclamation practices completed and the effectiveness of the reclamation will be provided to the Little Snake Field Office. The first report will be due in January following initiation of reclamation practices and annually thereafter until final abandonment is approved.

There are numerous reclamation practices and techniques that increase the success rate of reclamation and stabilization. With the exception of those stated above, it is the lessee's prerogative to use those (s)he chooses to accomplish the objective. However, it is recommended that state-of-the-art reclamation, stabilization, and management practices be used to achieve the desired objective in a timely and cost-effective manner.

The following definitions and measurements will be used to accomplish and determine if reclamation has been achieved:

Permanent vegetative cover will be accomplished if the basal cover of perennial species, adapted to the area, is at least ninety (90) percent of the basal cover of the undisturbed vegetation of adjoining land or the potential basal cover as defined in the Soil Conservation Service Range Site(s) for the area.

Diverse will be accomplished if at least two (2) perennial genera and three (3) perennial species, adapted to the area, make up the basal cover of the reclaimed area in precipitation zones thirteen (13) inches or less and three (3) perennial genera and four (4) perennial species in precipitation zones greater than thirteen (13) inches. One species will not make up more than fifty (50) percent of the perennial vegetation by basal cover.

Self-regenerating and adapted to the area will be evident if the plant community is in good vigor, there is evidence of successful reproduction, and the species are those commonly used and accepted in the area.

Surface stability will be accomplished if soil movement, as measured by deposits around obstacles, depths of truncated areas, and height of pedestalling, is not greater than three tenths (0.3) of an inch and if erosion channels (rills, gullies, etc.) are less than one (1) inch in depth and at intervals greater than ten (10) feet.

If this standard is not met by the end of the second growing season, two alternatives exist depending on the severity of the erosion:

If erosion were greater than two (2) times the allowable amount, corrective action would have to be taken by the responsible company at that time.

If erosion is less than or equal to two (2) times the allowable amount, and it is determined the erosion occurred during vegetative establishment and the site may become stable, no corrective action would be required at that time. Another check (and measurement) would be performed a year later to determine if stability standards had been met. If the original measurements have not increased by more than the allowed standard, the standard would be considered met. However, if the increase were greater than the allowed standard, corrective action would be required.

Subsurface stability (mass wasting event) is of concern if disturbance has included excavation over four (4) feet in depth and greater than 10,000 square feet in area on slopes thirty five (35) percent and greater, or on any erosion-prone slope (Danforth Hills, Vermillion Bluffs, and badland areas). When these conditions occur, length of liability for reclamation and final abandonment will continue for ten (10) years following re-contouring to original contour or for such time that climatic patterns provide two (2) consecutive years in which measurable precipitation totals at least 120 percent of average from October 1 through September 30, as measured by data averaged from nearby regional weather stations.

The Authorized Officer may waive this stipulation, or portions of it. Such waiver will be documented and justified when not applicable, or when objectives are accomplished through another method.

23. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pretermination conference. This conference will be held to review the termination provisions of the permit.